

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEX AYALA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

No. 19-CV-8877 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

Alex Ayala (“Petitioner”) filed a Petition for a Writ of Habeas Corpus (the “Petition”) pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct his April 13, 2018 sentence of 96 months of imprisonment, imposed after Petitioner pled guilty to one count of conspiracy to commit Hobbs Act robbery, in violation of 18 U.S.C. § 1951, and one count of possession of a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A)(ii). (*See generally* Pet. for a Writ of Habeas Corpus (“Pet.”) (Dkt. No. 1, Case No. 19-CV-8877; Dkt. No. 240, Case No. 17-CR-202).) Petitioner argued that his conviction under § 924(c) could not stand in light of the Supreme Court’s decision in *United States v. Davis*, 139 S. Ct. 2319 (2019), (*see id.*), and the Government agreed, (*see* Gov’t’s Resp. (Dkt. No. 246, Case No. 17-CR-202)). Accordingly, the Court resentenced Petitioner on June 30, 2021. (*See* Dkt. (minute entry for June 30, 2021), Case No. 17-CR-202; Am. Judg. (Dkt. No. 300, Case No. 17-CR-202).)

As the Petition has already been granted, the Clerk of Court is respectfully directed to close Case No. 19-CV-8877.

SO ORDERED.

Dated: April 5, 2022
White Plains, New York



KENNETH M. KARAS
United States District Judge